IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL SECOND APPEAL No. 237 of 2002

MUNCIPAL BOARD, SHAHPURA
V/S
MADAN LAL & ANR.

Mr. VASUDEO for Mr.NM LODHA, for the appellant

Mr. JK BHAIYA, for the respondent

Date of Order : 18.9.2006

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the appellant, and perused the record.

It has been found by the learned lower Appellate Court that it is not established that the notice, Ex.A/2 was served on the plaintiff, as the signatures appearing thereon are different from the signatures appearing on other documents.

After having perused the record, I do not find any error in this finding. It is a different story that even a look at Ex.A/2 shows that it does not even purport to be a notice either calling upon the plaintiff to show cause, as to why allotment be not cancelled on any ground whatever, nor does it purport to be notice intimating any cancellation of allotment having been made, or having come into existence even automatically. This purports to be only a list of persons, who are said to have not constructed

boundary wall, or houses within six months, or have have not taken possession. In my view, on the face of this situation, it cannot be said that the learned Courts below were in error in granting injunction prayed for by the plaintiff.

The appeal thus, has no force and is dismissed summarily.

(N P GUPTA),J.

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